IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUMMARY SUIT NO. 358 OF 2003

Nandu R. Manial ..Plaintiff.

Versus

Devidutta Bajjaj Sons & Ors. ..Defendants.

Mr. H.V. Chande for the Plaintiff.

None for the Defendants.

CORAM : S. J. VAZIFDAR, J.
DATED : 23rd NOVEMBER,2005.

P.C.:

1. The suit is filed to recover the the amounts lent and advanced by the plaintiff to the defendants. The suit is based on a bill of exchange drawn by defendant No.1 and accepted by defendant No.3. The defendant Nos.2 and 4 are the proprietors of respondent Nos. 3 and 1 respectively. The plaintiff has tendered a compilation of the original documents. The same is taken on record and marked 'A' collectively.

2. The defendants have made part payments in respect of the suit claim. The cheques drawn by the defendants towards repayment of the balance have been dishonoured. By an order dated 2nd March, 2005, the defendants were granted leave to defend, conditional

upon their depositing the principal amount in this court, but they have failed to do so. Certificate of non-deposit has been issued.

3. There is nothing on record that militates against the plaintiff’s case. The averments and submissions made in the plaint are accepted as correct.

4. In the circumstances, the suit is decreed as prayed.

5. Refund as per rules.

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